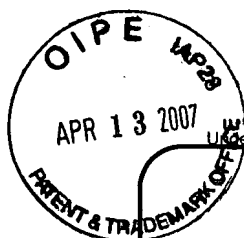


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Total Number of Pages in This Submission

49

Application Number

10/715,240

Filing Date

11/14/2000

First Named Inventor

Kirby W. Reese

Art Unit

3671

Examiner Name

Raymond W. Addie

Attorney Docket Number

18244-108780

ENCLOSURES (Check all that apply)

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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Certificate of Express Mailing (1 page)	
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Tucker Arensberg, P.C.		
Signature	<i>Lee Kim</i>		
Printed name	Lee Kim		
Date	4/13/07	Reg. No.	53,125

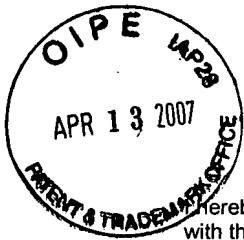
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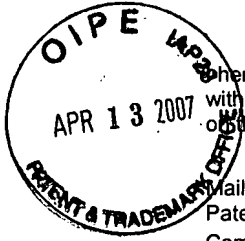
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Total pages including this paper: 49

Amended Appeal Brief (4/13/07)
US Patent Appln. Serial No. 10/715,240
Inventor: K.W. Reese
Art Unit: 3671
Examiner: Raymond W. Addie



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant : Kirby W. Reese
Serial No. : 10/715,240
Filed : 11/14/2000
Confirmation No. : 4992
Title : TEMPORARY PLATFORM OR ROADWAY
: AND METHOD OF ASSEMBLING SAME
Art Unit : 3671
Examiner : Raymond W. Addie
Atty Docket No. : 18244-108780
Date : April 13, 2007

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P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF

Dear Sir:

This appeal is from the Examiner's final Office Action mailed September 12, 2006 in which all pending claims (namely, Claims 27-46) were rejected and all such Claims are now appealed herein. Accordingly, Appellant timely submits herewith his amended

brief, pursuant to the Notice of Appeal timely filed November 9, 2006 and received by the USPTO on November 13, 2006. The filing fee for the appeal brief of \$250.00 for a small entity pursuant to 37 C.F.R. §41.20 had been previously submitted on January 11, 2007, along with the prior version of this appeal brief on the same date. This appeal brief replaces any and all prior versions submitted in connection with this case, including the appeal brief previously submitted on January 11, 2007.

In particular, the amendments to the claims that have been filed after the final rejection (in the form of a Response to the final Office Action) have not been entered and this status is clearly indicated herein, specifically at page 3 of this brief under the headings of "Status of Claims" and "Status of Amendments" respectively to correct the cited defect in the brief as per the Notification of Non-Compliant Appeal Brief dated March 13, 2007. To further satisfy the proper form of the appeal brief – consistent with the rules of patent practice, the inclusion of secondary evidence (i.e., dictionary definitions) which was not filed before the notice of appeal or final rejection has been redacted from this amended brief. Accordingly, Appellant believes that the brief is now in compliance with the patent rules of practice, including with regard to the defects as cited in the Notification of Non-Compliant Appeal Brief dated March 13, 2007.

This amended appeal brief is being submitted within the shortened statutory period of 1-month or 30-days from the date of mailing of the Non-Compliant Appeal Brief. Appellant therefore respectfully requests that this amended appeal brief be acknowledged as satisfying the rules of patent practice, including the cited defects in the above-mentioned Notification and that this appeal brief be considered *timely filed*. No extension-of-time petition or fee is required since this paper is being timely filed within the above-referenced shortened statutory period.

Appellant also respectfully emphasizes that this amended appeal brief is consistent in content (including amendments) with the revised response to the final rejection (which is being sent on the *same date* as this paper to the USPTO (i.e., April 13, 2007)). Appellant revised the response to the final rejection in response to an Advisory Action dated March 13, 2007.

1. Real Party in Interest

The real party in interest is an individual, Kirby W. Reese, a citizen of the United States whose residence is located in Mercersburg, PA and whose mailing address is 9486 Buchanan Trail West, P.O. Box 298, Mercersburg, PA 17236.

2. Related Appeals and Interferences

There are no prior or pending appeals, interferences or judicial proceedings relating to this appeal, or which may directly affect, or be directly affected by, or having a bearing on, the Board's decision in this appeal.

3. Status of Claims

Claims 1-26 have been cancelled and Claims 27-46 are pending, rejected, and are now appealed. Further, Claims 27, 30, 36, 39, and 45 have been amended by Appellant, but have not been entered by the Examiner, as they have been submitted concurrently with the filing of the appeal brief and after a final rejection.

4. Status of Amendments

Claims 27, 30, 36, 39, and 45 have been amended by Appellant in the response to the final rejection both for the purposes of putting the claims in better form for appeal and also in accordance with the Examiner's proposed amendments to the claims in the final rejection. Appellant's amendments to Claims 27, 30, 36, 39, and 45 have not been entered.

5. Summary of Claimed Subject Matter

This invention relates to a method and apparatus for creating a temporary (i.e., portable) roadway apparatus or platform in wetlands, marshlands and other soggy and/or wet areas, and in particular for enabling the transport of heavy equipment across said areas by way of using said method and said apparatus.

Independent Claim 27 (and Dependent Claims 28-35)

Independent Apparatus **Claim 27** (from which Dependent Claims 28-35 depend, indirectly or directly) recites a portable roadway comprising a support layer and a traffic

layer for supporting construction vehicle traffic.

In particular, Independent **Claim 27** recites that the support layer comprises of a wire mesh top surface. The wire mesh top surface defines at least one closed gabion. The support layer further comprises a plurality of wire mesh gabions, each having a plurality of compartments. Each compartment is substantially full of a filler material having a density less than that of water.

Further, **Claim 27** recites that the traffic layer is supported by the top surface; specifically, it comprises a plurality of panels. In particular, as also recited by **Claim 27**, the removeable panels are placed on the wire mesh top surface – in an embodiment of this feature, for example, equipment may be placed on the panels. The wire mesh top surface of **Claim 27** defines at least one closed gabion.

Moreover, as further recited in **Claim 27**, the resulting portable roadway (which comprises of the above-mentioned support and traffic layers) has sufficient strength to support construction vehicle traffic.

The above-mentioned filler material within the gabion compartment may contain, as recited in Dependent **Claim 28** (which directly depends from Independent Claim 27), expanded polystyrene foam. Further, the filler material may be encapsulated in a fabric wrapper as recited in Dependent **Claim 29** (which directly depends from Independent Claim 27). The fabric wrapper, as recited in Dependent **Claim 30** (which depends from Dependent Claim 29 and indirectly from Independent Claim 27), may be polypropylene yarn.

The above-mentioned filler material may occupy at least one gabion compartment and may take the form of a single block as recited in Dependent **Claim 31** (which directly depends from Independent Claim 27). At least one of the gabions in the portable roadway apparatus may be a mattress gabion as recited in Dependent **Claim 32** (which directly depends from Independent Claim 27). Furthermore, the wire mesh of at least one of the gabions may be coated with polyvinylchloride (“PVC”) as recited in Dependent **Claim 33** (which directly depends from Independent Claim 27).

The panels may, as recited in **Claim 34** (which directly depends from Independent Claim 27), consist of wood panels and metal panels. Moreover, the panels, as recited in

Claim 35 (which directly depends from Independent Claim 27), may interlock with one another. In an embodiment of the invention, as disclosed in the specification, the panels may serve as a *support* for equipment or construction vehicle *traffic*.

Independent Claim 36 (and Dependent Claims 37-44)

Independent Apparatus **Claim 36** is directed to a portable platform which recites the same elements as recited above for Independent Apparatus Claim 27 (directed to a portable roadway). With this caveat in mind, Dependent **Claims 37-44** recite the same elements as the above-mentioned Dependent Claims 28-34 (which directly or indirectly depend from Independent Claim 27).

Independent Claim 45 (and Dependent Claim 46)

Independent Method **Claim 45** is directed to constructing a portable roadway or a portable platform. **Claim 45** recites substantially the same elements as in Independent Apparatus Claim 27 (directed to a portable roadway) and Independent Apparatus Claim 36 (directed to a portable platform) with the appropriate verbiage for a method claim (e.g., use of gerunds such as “providing”) such that the assembly of a portable roadway or portable platform is provided to one of ordinary skill in the art in a step-wise (i.e., method) fashion.

Further, Dependent **Claim 46** (which directly depends from Independent Claim 45) further recites the method steps for constructing the portable roadway or portable platform, which utilize substantially the same features as recited in Dependent Claims 28 (filler material is expanded polystyrene foam) and 29 (filler material is encapsulated in a fabric wrapper) for a portable roadway (Independent Claim 27 – from which Dependent Claims 28 and 29 depend from) *and* as also recited in Dependent Claims 37 (filler material is expanded polystyrene foam) and 38 (filler material is encapsulated in a fabric wrapper) for a portable platform (Independent Claim 36 – from which Dependent Claims 36 and 37 depend from). In other words, Dependent **Claim 46** (which depends from Independent Claim 45) further comprises the steps of providing a fabric wrapper for the filler material, selecting at least a portion of the filler material to be expanded polystyrene foam, and encapsulating the expanded polystyrene foam within the fabric wrapper *prior*

to placing the expanded polystyrene foam into one of the compartments of the wire mesh gabion.

6. Grounds of Rejections to be Reviewed on Appeal

- A. **Claims 27-32, 34-41, 43-46** under 35 U.S.C. §103(a) stand rejected over U.S. Patent No. 4,726,708 to Papetti in view of U.S. Patent No. 5,200,261 to Taguchi et al.
- B. **Claims 33 and 42** under 35 U.S.C. §103(a) stand rejected over U.S. Patent No. 4,726,708 to Papetti in view of U.S. Patent No. 5,200,261 to Taguchi et al., and in further view of U.S. Patent No. 5,636,938 to Ragazzo

7. Argument

- A. The rejection of **Claims 27-32, 34-41, 43-46** under 35 U.S.C. §103(a) over U.S. Patent No. 4,726,708 to Papetti in view of U.S. Patent No. 5,200,261 to Taguchi et al. is contested.

Appellant respectfully acknowledges that the Examiner has rejected **Claims 27-32, 34-41, and 43-46** under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 4726708 to Papetti ("Papetti"), in view of U.S. Patent No. 5,200,261 to Taguchi et al. ("Taguchi").

Inapplicability of Papetti

The Examiner's characterization of Papetti (provided herewith as Appendix A) as disclosing "a temporary road and a method of making" the same on numbered Page 2 of the Office Action is not founded. Nowhere in Papetti is there a teaching, suggestion, or motivation to use the mattress-type gabion as a temporary roadway or platform, let alone the method for making such a temporary roadway or platform.

Instead, Papetti provides for a "mattress-type gabion for use as a covering...for preventing soil erosion caused by surface water and infiltration, and for consolidating soil against landslides...[caused by a plurality of reasons including]... road construction...."

Therefore, while "road construction" is *incidentally* referred to, it is just one example, among others provided in Papetti, which relates to the problem of

landslides and the need for soil reinforcement by way of the mattress-type gabion system.

Accordingly, the use of Papetti as a primary reference in view of 35 U.S.C. §103(a) was improper.

Invention Distinguished from Papetti

To further distinguish Appellant's **Claims 27-32** and **34-35** as rejected by the Examiner in view of 35 U.S.C. §103(a), Appellant respectfully emphasizes that: Independent **Claim 27** is directed to a portable roadway, unlike Papetti for the above-mentioned reasons.

Claims Distinguished from Papetti

Dependent **Claims 28-32** and **34-35**, which directly or indirectly depend from Independent Claim 27, have the following additional distinguishing aspects:

Claim 28 (depends from Independent Claim 27) (filler material is expanded polystyrene foam);

Claim 29 (depends from Independent Claim 27) (filler material is encapsulated in a fabric wrapper);

Claim 30 (depends from Dependent Claim 29) (fabric wrapper is polypropylene yarn);

Claim 31 (depends from Independent Claim 27) (filler material in at least one of the gabion compartments is in the form of a single block);

Claim 32 (depends from Independent Claim 27) (the gabion is a mattress gabion);

Claim 34 (depends from Independent Claim 27) (at least one of the panels is either a wood or metal panel); and,

Claim 35 (depends from Independent Claim 27) (at least some of the panels are interlockable with one another).

Additionally, to further distinguish Appellant's **Claims 36-41** and **43-44** as rejected by the Examiner in view of 35 U.S.C. §103(a), Appellant respectfully

emphasizes that Independent Claim 36 is directed to a portable platform, unlike Papetti for the above-mentioned reasons.

Moreover, Dependent **Claims 37-41** and **43-44**, which directly or indirectly depend from Independent Claim 36, have the following additional distinguishing aspects:

Claim 37 (depends from Independent Claim 36) (filler material is expanded polystyrene foam);

Claim 38 (depends from Independent Claim 36) (filler material is encapsulated in fabric wrapper);

Claim 39 (depends from dependent Claim 38) (fabric is propylene yarn);

Claim 40 (depends from Independent Claim 36) (filler material in at least one of the gabion compartments is in the form of a single block);

Claim 41 (depends from Independent Claim 36) (at least one of the gabions is a mattress gabion);

Claim 43 (depends from Independent Claim 36) (at least one of the panels is either wood or metal); and,

Claim 44 (depends from Independent Claim 36) (at least some of the panels are interlockable with one another).

Additionally, to further distinguish Appellant's **Claims 45-46** as rejected by the Examiner in view of 35 U.S.C. §103(a), Appellant respectfully emphasizes that: Independent **Claim 45** is directed to a portable roadway or platform, unlike Papetti for the above-mentioned reasons. Dependent **Claim 46** directly depends from Independent Claim 45 *and* has the additional distinguishing aspects of additional method steps including: providing a fabric wrapper for the filler material, selecting at least a portion of the filler material to be expanded polystyrene foam, and encapsulating the expanded polystyrene foam within the fabric wrapper prior to placing the expanded polystyrene foam into one of the compartments of the wire mesh gabion.

Accordingly, the use of Papetti as a primary reference in view of 35 U.S.C. §103(a) was improper; further, the rejection of **Claims 27-32, 34-41, and 43-46** based on

Papetti was therefore unfounded as demonstrated by the above discussion.

35 U.S.C. §103 - Taguchi

Claims 27-32, 34-41, and 43-46

The Examiner has improperly relied on this prior art reference under 35 U.S.C. §103 due to his misunderstanding of the word “ballast” and misapplication thereof in view of Appellant’s disclosed and claimed invention and the prior art references, including Taguchi (provided herewith as Appendix B). In sum, the Examiner has mischaracterized Appellant’s disclosed and claimed invention as utilizing ballast material (whereas Appellant’s specification expressly refers to buoyant material having a density less than that of water) and relies upon the prior art references, including Taguchi, which refer to *ballast* material.

Invention Distinguished from Taguchi

First, the Examiner has mischaracterized Appellant’s disclosed and claimed invention as involving ballast material as Appellant’s specification does not expressly or implicitly refer to *ballast* material – however, it does disclose and claim *buoyant* material having a density less than water (including Independent **Claims 27** (and Dependent **Claims 28-35**), **36** (and Dependent **Claims 37-44**), and **45** (and Dependent **Claim 46**)). Further, the Appellant’s use of the language ‘*buoyant* material having a density less than water’ is more accurately characterized as being the opposite in meaning of *ballast* material (the ordinary meaning of ballast material is that it is heavy (not *buoyant*) material). This heavy material would *not* have a density less than that of water, unlike Appellant’s invention.

Second, US Patent No. 5,636,938 to Ragazzo (“Ragazzo”) (provided herewith as Appendix C), is prior art which the Examiner has relied upon in rejecting Appellant’s claims (although, as will be demonstrated herein, the Examiner has misused the term “ballast” in rejecting the Appellant’s claims). Specifically, according to Ragazzo, the term “ballast” means “hard durable material” (col. 1, line 18), such as “stone or gravel” or “slag or broken concrete” (col. 1, lines 37-38). As can be seen by these provided examples, these ballast materials are not akin to, for example, Appellant’s filler material

having a density less than that of water (e.g., expanded polystyrene foam). To further illustrate this point, Ragazzo further explains, "[t]he main property of ballast is that the material be of sufficient weight to act as ballast." This physical property of ballast is likewise not akin to Appellant's invention which requires filler material "having a density less than water" as per the above-mentioned Claims.

Accordingly, the use of Taguchi as a secondary reference in view of 35 U.S.C. §103(a) was improper; further, the rejection of **Claims 27-32, 34-41, and 43-46** based on Papetti in view of Taguchi was therefore unfounded as demonstrated by the above discussion.

Inapplicability of Taguchi

Taguchi (provided herewith as Appendix B) provides for the use of "*fiber reinforced* foamed materials" (emphasis added) in the gabion system according to the abstract. This is not -- as Examiner states and/or otherwise implies -- a characteristic of filler material (such as that of Appellant's) *having a density less than that of water* (an example of such material is expanded polystyrene foam, which Appellant discloses and claims). Rather, according to the abstract and col. 3 lines 4-23; col. 3 lines 30-38; col. 9 lines 63-68; and, col. 10 lines 1-49, Taguchi teaches a method and apparatus, both of which comprise a "foamable material...with the composite fibers or composite yarns...so as to reinforce the foamed body." In contrast, Appellant's instant invention discloses and claims filler material having density less than that of water such as, for example, expanded polystyrene foam.

Moreover, Taguchi's utilization of a *fiber-reinforced* foamable material teaches away from Appellant's use of, for example, expanded polystyrene foam or some other material having a density less than that of water (as discussed in more detail above).

Accordingly, the use of Taguchi as a secondary reference in view of 35 U.S.C. §103(a) was improper; further, the rejection of **Claims 27-32, 34-41, and 43-46** based on Papetti in view of Taguchi was therefore unfounded as demonstrated by the above discussion.

- B.** The rejection of **Claims 33 and 42** under 35 U.S.C. §103(a) over U.S. Patent No. 4,726,708 to Papetti in view of U.S. Patent No. 5,200,261 to Taguchi et al., and in further view of U.S. Patent No. 5,636,938 to Ragazzo is contested.

The Examiner has rejected Dependent **Claim 33** (which directly depends from Independent Claim 27) and Dependent **Claim 42** (which directly depends from Independent Claim 36) under 35 U.S.C. §103(a) as being unpatentable over Papetti in view of Taguchi and in further view of Ragazzo.

Inapplicability of Ragazzo

Ragazzo (provided herewith as Appendix C) is directed to the art of traditional gabion systems with ballast material. According to Ragazzo at col. 1, line 5, “The [Ragazzo] invention relates broadly to the art of Gabion Systems.” Also, Ragazzo states at col. 1, line 16 that “Gabion Systems are containers or cages filled with ballast.” Because the Ragazzo reference is directed to *ballast* material, it is therefore an inapplicable reference in view of 35 U.S.C. §103(a) in the context of Appellant’s invention since Appellant’s disclosed and claimed invention does *not* utilize ballast material, but instead uses buoyant material having a density less than that of water. In consideration of this distinguishing aspect, the Examiner’s reliance on Ragazzo which uses polyvinyl chloride (“PVC”)-coated gabions (similar to that of Appellant’s) is not founded (as Ragazzo is directed to ballast material whereas Appellant’s disclosed and claimed invention is directed to non-ballast material).

Moreover, even Ragazzo, alone, does not disclose essentially all or actually all that is claimed as the Examiner contends. Similar to the above discussion of Papetti and Taguchi, Ragazzo does not teach, suggest, or provide the motivation to provide for a portable platform *or* a portable roadway. Moreover, also similar to the limitations of these two cited references, Ragazzo does not utilize a lightweight (i.e., non-ballast) material in its gabion system; instead, Ragazzo utilizes *ballast* material. As explained above, ballast material is *not* utilized in Appellant’s invention; rather, filler material having a density less than that of water such as, for example, expanded polystyrene foam, is used.

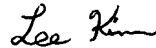
Further, additional distinguishing features of Dependent **Claim 33** (which directly depends from Independent Claim 27) and **42** (which directly depends from Independent Claim 36) over Ragazzo, are as discussed above (see, esp., the above Papetti discussion).

Accordingly, the use of Ragazzo as a reference, either alone or in combination with Papetti in further view of Taguchi, in view of 35 U.S.C. §103(a) and the rejection of Dependent **Claim 33** and **42** was improper. Moreover, the rejection of **Claims 27-46** based on Papetti in view of Taguchi and further view of Ragazzo was likewise improper as demonstrated by the above discussion.

CLOSING

For the reasons set forth above, the rejections of **Claims 27-46** are improper and should be reversed.

Respectfully Submitted,



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CLAIMS APPENDIX

List of Claims; Claims 27-46 are appealed.

Claims 1-26 (cancelled).

Claim 27 (currently amended): A portable roadway comprising:

- a) a support layer having a wire mesh top surface, wherein said wire mesh top surface defines at least one closed gabion, and said support layer comprises~~comprising~~ a plurality of wire mesh gabions, each of said wire mesh gabions having a plurality of compartments, each of said compartments being substantially full of a filler material having a density less than that of water; and
- b) a traffic layer supported by said wire mesh top surface, said traffic layer comprises~~comprising~~ a plurality of panels, ~~each of said panels being removably placeable onto~~ placed on said wire mesh top surface, wherein said panels are removeable;

wherein said portable roadway has sufficient strength to support construction vehicle traffic.

Claim 28 (previously presented): The portable roadway of claim 27, wherein said filler material is expanded polystyrene foam.

Claim 29 (previously presented): The portable roadway of claim 27, wherein said filler material is encapsulated in a fabric wrapper.

Claim 30 (currently amended): The portable roadway of claim 29, wherein the fabric wrapper is polypropylene yarn.

Claim 31 (previously presented): The portable roadway of claim 27, wherein said filler material in at least one of said compartments is in the form of a single block.

Claim 32 (previously presented): The portable roadway of claim 27, wherein at least one of said gabions is a mattress gabion.

Claim 33 (previously presented): The portable roadway of claim 27, wherein the wire mesh of at least one of said gabions is coated with polyvinylchloride.

Claim 34 (previously presented): The portable roadway of claim 27, wherein at least one of said panels is selected from the group consisting of wood panels and metal

panels.

Claim 35 (previously presented): The portable roadway of claim 27, wherein at least some of said panels are interlockable with each other.

Claim 36 (currently amended): A portable platform comprising:

- a) a support layer having a wire mesh top surface, wherein said wire mesh top surface defines at least one closed gabion, and said support layer comprises~~comprising~~ a plurality of wire mesh gabions, each of said wire mesh gabions having a plurality of compartments, each of said compartments being substantially full of a filler material having a density less than that of water; and
- b) a traffic layer supported by said wire mesh top surface, said traffic layer comprises~~comprising~~ a plurality of panels, ~~each of said panels being removably placeable onto~~ placed on said wire mesh top surface, wherein said panels are removeable;

wherein said portable platform has sufficient strength to support construction vehicle traffic.

Claim 37 (previously presented): The portable platform of claim 36, wherein said filler material is expanded polystyrene foam.

Claim 38 (previously presented): The portable platform of claim 36, wherein said filler material is encapsulated in a fabric wrapper.

Claim 39 (currently amended): The portable platform of claim 38, wherein the fabric wrapper is polypropylene yarn.

Claim 40 (previously presented): The portable platform of claim 36, wherein said filler material in at least one of said compartments is in the form of a single block.

Claim 41 (previously presented): The portable platform of claim 36, wherein at least one of said gabions is a mattress gabion.

Claim 42 (previously presented): The portable platform of claim 36, wherein the wire mesh of at least one of said gabions is coated with polyvinylchloride.

Claim 43 (previously presented): The portable platform of claim 36, wherein at least one of said panels is selected from the group consisting of wood panels and metal

panels.

Claim 44 (previously presented): The portable platform of claim 36, wherein at least some of said panels are interlockable with each other.

Claim 45 (currently amended): A method for constructing a portable roadway or a portable platform comprising the steps of:

- a) providing a support layer having a wire mesh top surface, wherein said wire mesh top surface defines at least one closed gabion, and wherein said support layer comprises a plurality of multi-compartment-wire mesh gabions, each of said wire mesh gabions having a plurality of compartments, each of said compartments being substantially full of a filler material having a density less than that of water; and,
- b) providing a traffic layer supported by said wire mesh top surface, said traffic layer comprises a plurality of movable panels placed on said wire mesh top surface, wherein said panels are removeable;
- ~~e) — providing a filler material having a density less than that of water;~~
- ~~d) — filling the compartments of at least some of said gabions to substantial fullness with said filler material;~~
- ~~e) — assembling said gabions to form a support layer having a top surface; and~~
- ~~f) — placing said plurality of movable panels onto said top surface to form a traffic layer so that said support layer and said traffic layer interact to form at least one selected from the group consisting of a portable roadway and a portable platform;~~

wherein each said portable roadway and each said portable platform have sufficient strength to support construction vehicle traffic.

Claim 46 (previously presented): The method of claim 45, further comprising the steps of:

- a) providing a fabric wrapper for said filler material;
- b) selecting at least a portion of said filler material to be expanded polystyrene foam; and
- c) encapsulating said expanded polystyrene foam within said fabric

wrapper prior to placing said expanded polystyrene foam into one of said compartments.

RELATED PROCEEDINGS APPENDIX

There are no prior or pending appeals, interferences or judicial proceedings relating to this appeal, or which may directly affect, or be directly affected by, or having a bearing on, the Board's decision in this appeal.

EVIDENCE APPENDIX

Table of Contents.

Appendix A: U.S. Patent No. 4,726,708 to Papetti, February 23, 1988

Appendix B: U.S. Patent No. 5,200,261 to Taguchi et al., April 6, 1993

Appendix C: U.S. Patent No. 5,636,938 to Ragazzo, June 10, 1997